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*Attorneys for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

MICHAEL REGAN<sup>1</sup>, as the Administrator of  
the United States Environmental Protection  
Agency, *et al.*,

Defendants,

and

STATE OF GEORGIA, *et al.*,

Defendant-Intervenors.

Case No. 3:20-cv-03005-RS

**DEFENDANTS' NOTICE OF  
SUPPLEMENTAL AUTHORITY  
CONCERNING MOTION FOR  
REMAND WITHOUT VACATUR**

Action Filed: May 1, 2020

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<sup>1</sup> EPA Administrator Michael Regan is automatically substituted for Andrew Wheeler, and Jaime Pinkham is automatically substituted for R.D. James, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

Pursuant to Local Civil Rule 7-3(d)(2), Defendants (the “Agencies”) hereby notify the Court, Parties, and counsel of record of a recent decision from the United States District Court for the District of Massachusetts remanding the Navigable Waters Protection Rule, the same rule that is subject to the Agencies’ pending remand motion. ECF No. 250. The memorandum and order of remand and dismissal in *Conservation Law Foundation, et al. v. United States Environmental Protection Agency, et al.*, No. 1:20-cv-10820, Dkt. No. 122 (D. Mass. Sept. 1, 2021) is attached to this notice as Exhibit 1.<sup>2</sup>

Dated: September 3, 2021

Respectfully submitted,

/s/Hubert T. Lee

TODD KIM

*Assistant Attorney General*

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<sup>2</sup> Separately, Plaintiffs have already notified the Court of a recent decision in *Pascua Yaqui Tribe, et al. v. United States Environmental Protection Agency, et al.*, No. 4:20-CV-00266, Dkt. No. 99 (D. Ariz. Aug. 30, 2021). *See* ECF No. 269, 269-1.